

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**Leon Modrowski,**

**Plaintiff,**

**vs.**

**No. 09-C-7002**

**John Pigatto, individually; Frank  
Pigatto, individually; TAQ Properties,  
LLC; and Capps Management.**

**Judge Ronald A. Guzmán**

**Defendants.**

**PLAINTIFF'S MOTION TO RECONSIDER**

Leon Modrowski, by and through his attorney, Lisa M. Stauff, moves the court to reconsider part of its June 25, 2010 ruling, as follows:

1. On June 25, 2010, the court entered a Memorandum Opinion and Order dismissing Counts I and III of the Complaint.
2. These counts were dismissed with prejudice.
3. Count II was dismissed without prejudice, and plaintiff was granted leave to amend within 14 days of the ruling.
4. Plaintiff timely amended his complaint to address pleading defects referenced by the court.
5. Plaintiff prevails upon the court to revise its ruling as to Counts I and III, and deem these counts dismissed without prejudice, instead of with prejudice.
6. This matter involves somewhat overlapping laws governing unlawful computer access and use. As this case proceeds, it is possible that plaintiff will be better able to articulate a cause of action under the statutory provisions relied upon in Counts I and III.

7. The interests of justice would be better served, and defendant would not be prejudiced, if Counts I and III were revised to a 'without prejudice' dismissal.

*Wherefore*, Plaintiff prevails upon the court, for the reasons stated above, to reconsider the dismissals of Counts I and III, and hold these counts dismissed without prejudice.

Respectfully submitted,  
Plaintiff,  
Leon Modrowski,

By: \_\_\_\_\_/s/ Lisa M. Stauff  
Plaintiff's attorney

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#### CERTIFICATE OF SERVICE

I, Lisa M. Stauff, an attorney, certify that I served the attached Motion to Reconsider on July 9, 2010, upon all parties of record, through the CM/ECF System.

\_\_\_\_\_/s/ Lisa M. Stauff

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